

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the
Commission's Own Motion to Establish an
Appropriate Error Rate for Connections Made by
an Automatic Dialing Device Pursuant to Section
2875.5 of the Public Utilities Code.

Rulemaking 02-02-020
(Filed February 21, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
ON NOTICE OF INTENT TO CLAIM COMPENSATION**

This ruling addresses the Notice of Intent to Claim Compensation (NOI) of
The Utility Reform Network (TURN).

Timeliness of Filing

Pub. Util. Code § 1804(a)(1) provides that an NOI must be filed within
30 days after the prehearing conference. No such conference was scheduled in
this proceeding. TURN states that in the absence of other direction by the
Commission, it is reasonable to allow intervenors to file NOIs within 30 days of
the mailing date of the Order Instituting Rulemaking (OIR). It states that no
party or intervenor will be prejudiced by such a procedure. This ruling agrees
that TURN's position on timeliness is a reasonable one.

The Commission mailed the OIR on February 27, 2002. TURN filed its
NOI on March 25, 2002. In accordance with § 1804(a)(1), TURN's NOI is timely
filed.

Qualification as a Customer

TURN is a nonprofit consumer advocacy organization and has a long history of representing the interests of residential and small commercial customers of California utility companies before the Commission. The “vast majority” of its approximately 30,000 dues-paying members are believed to be residential customers. TURN’s articles of incorporation specifically authorize its representation of the interests of residential customers.

Pursuant to D.98-04-059, TURN has demonstrated that it meets the statutory definition of customer (§ 1802(b)) as a group authorized pursuant to its articles of organization and bylaws to represent the interests of residential customers of California utilities.

Representation of Underrepresented Interests

TURN notes that it is likely to be one of two intervenors representing solely the interests of residential and small commercial customers in this proceeding. TURN commits to tailor its participation to ensure that its work serves to support and complement the work of other parties that share its positions, and to avoid any undue duplication wherever practicable.

Nature and Extent of Participation

To date, TURN has focused on drafting comments that dealt with policy issues regarding consumer harm caused by the use of automatic predictive dialer machines and resulting abandoned calls. The comments also (1) advocated for a zero error rate for abandoned calls, (2) discussed issues involved in setting and calculating an error rate, (3) urged adoption of record-keeping requirements to aid in enforcement of the rules regarding abandoned calls, and (4) called for a targeted consumer education plan on these issues.

Estimate of Compensation

Pursuant to § 1804(a)(2)(A)(ii), TURN submitted a breakdown of the total estimated compensation of \$17,600 that it expects to request. This ruling makes no affirmative findings regarding the reasonableness of the total or any component of the estimate.

Significant Financial Hardship

TURN received a finding of significant financial hardship in a ruling issued by Administrative Law Judge Barnett in Application 01-09-003, dated December 19, 2001. This proceeding commenced within one year of the date of that ruling, which establishes a rebuttable presumption of eligibility in this proceeding under § 1804(b)(1).

IT IS RULED that The Utility Reform Network (TURN) is eligible to file for an award of intervenor compensation at the conclusion of this proceeding.

Dated May 6, 2002, at San Francisco, California.

/s/ GLEN WALKER

Glen Walker
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail, to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling on Notice of Intent to Claim Compensation on all parties of record in this proceeding or their attorneys of record.

Dated May 6, 2002, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.